

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed 08/07/2009.
2. Claims 1-8, 10-18, and 20 are currently pending and have been examined.

Allowable Subject Matter

3. Claims 9 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-8, 10-18, and 20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tavor et al. (U.S. Pat. No. 6,553,347) in view of D'Alessandro (U.S. Pat. 6,556,974).**

As per claims 1, 2, 5, 6, 10-12, 15, and 20, Tavor substantially discloses a method for conducting one to one commercial negotiations **(negotiating or managing a dispute between a user and a vendor)** through an electronic medium such as the Internet, comprising:

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automatically receiving, over a network by a system computer, information relating to the dispute, the information being generated from one of an initiator computer associated with an initiator and a respondent computer associated with a respondent, the initiator and the respondent being parties to the agreement (initiator and a respondent or user and vendor) see., abstract, col 4, lines 20-41, specifically wherein said that the negotiation process features one or more exchanges between the user and the system, including discounts given by the system and responses to the price offers of the user. The limitation "the initiator and the respondent being parties to the agreement" is also disclosed by Tavor in col 12, lines 13-28); and

iteratively providing portions of the information to the other of the initiator and the respondent computer in accordance with predetermined criteria relating to either a rating of a portion of the information supplied after a start of the dispute by the initiator or the respondent, or relating to the number of portions of the information to be provided at an iteration (see., abstract, col 4, lines 20-41, specifically wherein it is stated that the system offers the product for a specific price, a price that may be optionally decreased as negotiation continues, please note that the specific price is interpreted as the portion of the information.

Tavor fails to explicitly disclose the step of "predetermining criteria". However, D'Alessandro discloses a method for evaluating current business performance. A predetermined set of performance criteria are measured by the use of an automated employee and non-employee interview system (see., abstract, col 3, lines 1-21).

As per the predetermined type of criteria being claimed, the Examiner submits that no patentable differences exist since a plurality types of predetermined criteria may exist. Thus, the type of predetermined criteria does not affect the functioning of the system of Tavor since data is data in computer manipulation. Incorporating such types of criteria in the system of Tavor would have been obvious to one of ordinary skill in the art at the time of the invention in order to evaluate and forecast of the business entity's performance.

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As per claims 3, 13, and 16, Tavor discloses the claimed method wherein the received information includes at least one factor and an evaluation of the desirability or cost of the at least one factor (see., 2, lines 56-61).

As per claims 4, and 14, Tavor discloses the claimed method wherein the at least one factor includes at least two of historical harm, future harm, an incentive, a punishment, a request, an offer, and a desired outcome (see., col 2, lines 31-41, lines 56-61).

As per claims 7, 8, and 17-18, Tavor discloses the claimed method of automatically proposing an agreement to resolve the dispute (or negotiation) based on the received information (see., col 12, lines 13-28).

RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 10/19/2005 have been fully considered but they are not persuasive.

In response to Applicant's arguments, Applicant argues that the prior art of record (Tavor and D'Alessandro) fail to disclose or suggest the recited feature:

a. "managing or resolving a dispute regarding a preexisting agreement". Based upon the foregoing rejection detailed above, it is believed that Tavor discloses this assertion in the abstract, col 4, lines 20-41, specifically wherein said the negotiation process features one or more exchanges between the user and the system, including discounts given by the system and responses to the price offers of the user. The

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limitation “the initiator and the respondent being parties to the agreement” is also disclosed by Tavor in col 12, lines 13-28. Please note that response to the price of the user is interpreted as a step of resolving a price dispute.

b. “ receiving information from parties to a dispute regarding a pre-existing agreement”.

As stated above, Tavor discloses this limitation in the abstract, col 4, lines 20-41, specifically wherein said the negotiation process features one or more exchanges between the user and the system, including discounts given by the system and responses to the price offers of the user. The limitation “the initiator and the respondent being parties to the agreement” is also disclosed by Tavor in col 12, lines 13-28.

c. “consider iteratively providing portions of information”. However, the Examiner respectfully disagrees with this assertion since Tavor discloses this limitation in the abstract, col 4, lines 20-41, specifically wherein said system offers the product for a specific price, a price that may be optionally decreased as negotiation continues, please note that the specific price is interpreted as the portion of the information.

d. Applicant also argues that D'Alessandro fails to disclose “ a predetermined criteria”. However, D'Alessandro discloses a method for evaluating current business performance. A predetermined set of performance criteria are measured by the use of an automated employee and non-employee interview system (see., abstract, col 3, lines 1-21).

As per the predetermined type of criteria being claimed, the Examiner submits that no patentable differences exist since plurality of types of predetermined criteria may exist. Thus, the type of predetermined criteria does not affect the functioning of the system of Tavor since data is data in computer manipulation. Incorporating such types of criteria in the system of Tavor would have been obvious to one of ordinary skill in the art at the

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time of the invention in order to evaluate and forecast of the business entity's performance.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PIERRE E. ELISCA whose telephone number is (571)272-6706. The examiner can normally be reached on 6:30 to 5:00. Hotelier.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571 272 4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PIERRE E. ELISCA/
Primary Examiner, Art Unit 3718